

REMARKS

This communication is in response to the Restriction Requirement mailed 12 February 2007. The Office Action restricted Applicants invention into three groups and required Applicants to elect a single group for prosecution on the merits under 35 U.S.C. 121.

Applicants elect with traverse Group II, originally only claims 14-19 but currently amended to be claims 2-19 and 21-33, drawn to a cell potential measurement apparatus. Applicants were required to elect species of (A) the type of protective film among those instantly claimed, (B) the type of insulator material from among those instantly claimed, and (C) the type of cell culture layer from among those instantly claimed. Applicants have amended the claims and the following species for prosecution: (A) an impermeable, non-conductive material comprised of combinations of different oxides and/or nitrides as the type of protective film; (B) a polymer as the type of insulator; and (C) fibronectin as the type of cell culture layer. Upon entry of Applicants amended claims, Applicants anticipate the further requirement to elect a species of cells. Applicants elect the species of cardiac cells.

Applicants have amended claims 1-15 and 18-20. Claims 1 and 20 are withdrawn as directed toward an unelected invention although the claims are currently amended. Applicants argue that including claim 20 in the set of pending claims would not be an undue burden on the Examiner as claim 20 depends from claim 22. Applicants request a rejoinder of claim 20 as part of Group II. New claims 21-33 have been added. Therefore, once the new claims are entered, claims 2-19 and 21-33 are pending in the current application. Applicants reserve the right to pursue the non-elected families in the present case in a divisional application or as provided under MPEP 821.04.

No new matter is believed to have been added by the claim amendments or the new claims. Applicants point to the claims and the specification, for example, at page 9 for support for the terms "cells" and "cellular" in the amendment of the title and the claims. Support for the elected species "fibronectin" is supported at paragraph [0066]. The species of an impermeable, non-conductive material comprised of combinations of different oxides and/or nitrides as the

type of protective film is supported for example at paragraphs [0014] and [0039] of the specification. New claims 21-33 find support in the original claims as filed and at the pages in the specification cited above. Further support for the claims can also be found at pages 6-7, 10-11, 16-17, 20, 22-23 of the specification.

CONCLUSION

Accordingly, Applicants respectfully request the entry of the claims as amended and provided herein. A petition for an extension of time to the fifth month is included. A fee of \$1080.00 is believed due for the extension of time. Fees for the new claims added are believed to be \$425. Please charge the total fees of \$1505.00 in accordance with the enclosed fee calculation sheets. Applicants believe all fees necessary for this amendment are submitted herewith. If any additional fee is necessary for entry of this amendment, then Office is hereby authorized to deduct that charge from Deposit Account 120690.

Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned at (510)495-2456.

Respectfully submitted,

Dated August 10, 2007

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